THE HON'BLE SRI JUSTICE V.ESWARAIAH

W.P.NO.24361 OF 2005

Dt.16.11.2005

Between:

Karipe Laxman and 2 others.

… Petitioners

And

The Commissioner, Civil Supplies Dept.,

Hyderabad and 3 others. … Respondents

ORDER:

Heard the learned counsel for the petitioners and the learned Government Pleaders for Civil Supplies and Revenue appearing on behalf of the respondents.

The petitioners herein are appointed as retail kerosene dealers and they have been carrying on the business to supply kerosene in retail as per the terms and conditions of licence granted to them. It is stated that the first respondent issued a circular dated 19.3.2005 for conversion of existing nominated retailers as Fair Price Shop dealers in a phased manner to make available all essential commodities to the cardholders under one roof and accordingly all the Collectors/Chief Rationing Officers are instructed to take necessary

steps for conversion of the existing nominated retailers as Fair Price Shop Dealers in a phased manner and report compliance. It is stated that pursuant to the said proceedings the petitioners have a representation before the Collector (Civil Supplies), Karimnagar for implementation of the said circular dated 19.3.2005 seeking directions to the 3rd respondent for conversion of petitioners' shops into Fair Price Shop dealers immediately in accordance with the circular issued by the first respondent.

I am of the opinion that the said circular issued by the first respondent is not clear or specific giving a right in favour of the existing nominated dealers to be converted into Fair Price Shop dealers authorizing to sell essential commodities to the cardholders. There is ambiguity in the said circular.

The learned Government Pleader for Civil Supplies submits that according to the said circular the nominated kerosene retailers have to be discontinued and the said right to sell kerosene also has to be entrusted to the Fair Price Shop dealers. However, there are provisions for the grant of Fair Price Shop dealers. The A.P.State Public Distribution System Control Order 2001 deals with the appointment of Fair Price Shop dealers. Under Clause 5 of the said Control Order, a specific procedure has been contemplated for appointment, suspension or cancellation of authorization of Fair Price Shops. Therefore, under the guise of the said circular, the provisions of the Control Order 2001 cannot be dispensed with.

In view of the aforesaid facts and circumstances of the case, I do not see any merit in the writ petition. The writ petition is accordingly dismissed. No costs.

(V.ESWARAIAH, J.)

16.11.2005

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